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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,471	01/15/2004	Ilya Makhlin	A2-065 CIP1 US	5861
23683	7590	06/08/2005	EXAMINER	
MOLEX INCORPORATED 2222 WELLINGTON COURT LISLE, IL 60532			PRASAD, CHANDRIKA	
			ART UNIT	PAPER NUMBER
			2839	
DATE MAILED: 06/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No.		Applicant(s)	
	10/758,471		MAKHLIN ET AL.	
	Examiner		Art Unit	
	Chandrika Prasad		2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,12-16 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,12-16 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. The reply filed 5/5/05 consists of changes in specification & drawing, amendments to claims 1, 8, 16, 19-21, cancellation of claims 7, 10, 11, 17, 18 and remarks related to rejection of claims. The claims are not allowable as explained below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8, 9, 12-16 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable Lee (U.S. Patent 6,655,851 B1) in view of Edwards et al. (6,200,040).

Lee shows a fiber optic connector assembly having an outer connector housing 26 having a front mating end, a rear end and a through passage extending between the ends and defining an optical axis, the housing having a pair of first keys 60 in the passage at a given position angularly about the optic axis; an inner optical fiber plug 28 for terminating at least one optical fiber cable, the plug being disposed in the through passage in the housing with a front ferrule 20 portion of the plug terminating the optical fiber at the front mating end of the housing, with the fiber optic cable extending from the rear end of the housing; a key ring 52 rotatably mounted about the plug and fixable on the plug at selected positions of rotational adjustment, the key ring having a pair of

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second keys 56 lockable with the first key on the housing once the key ring is fixed on the plug. Please note it has been held that the functional "whereby" statement does not define any structure and accordingly cannot serve to distinguish. Anyhow, Lee discloses rotating the plug to obtain a desired rotational alignment of the optical fiber and fixing the optical fiber cable in position relative to the connector using keys so that the rotational alignment of the optical fiber is maintained. Lee discloses the first key comprising a recessed keyway 62 in a socket in the through passage of the housing, and the second key 56 comprising a key member projecting from the key ring disposed and fixable to the plug portion. The key ring is fixable at any position by an adhesive. The key ring has recessed keyways which engages keys projecting from the housing. The key ring is keyed into more than one keyways in the housing. The key ring has more than one keys arranged thereon.

But Lee does not a partial key ring. Such a feature is common knowledge, well known and widely used in the art of connectors. Edwards shows such a feature (see Figures 3 and 9). It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use such a feature this would be equivalence of a full ring key and their use in the art and selection of any of these known equivalents would be within the level of ordinary skill in the art.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

6. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

7. Claims 1, 2, 3, 4, 6, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 of copending Application No.

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10/602,513. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Contact Information

8. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (571) 272-2099.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is (703) 872-9306.



Chandrika Prasad
Primary examiner
June 07, 2005